REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 2-19 are pending in the present application. Claim 15 is amended and Claim 19 is added by the present amendment.

Claim amendments find support in the application as originally filed at least at page 4, line 1, to page 5, line 6. Thus, no new matter is added.

In the outstanding Office Action, Claims 2, 9-12 and 14-18 were rejected under 35 U.S.C. § 103(a) as unpatentable over Zereski et al. (U.S. Pat. No. 5,654,886, herein "Zereski") in view of Throckmorton et al. (U.S. Pat. No. 5,818,441, herein "Throckmorton"); and Claims 3-8 and 13 were rejected under 35 U.S.C. §103(a) as unpatentable over Zereski and Throckmorton in view of Murphy (U.S. Pat. No. 6,564,380).

Addressing now the rejection of Claims 2, 9-12 and 14-18 under 35 U.S.C. §103(a) as unpatentable over Zereski and Throckmorton, this rejection is respectfully traversed.

Claim 15 recites, in part,

> storing the merchandising information in a database;
> receiving changed information;
> automatically updating the stored information based on the received changed information;
> defining a video layout based on a selection made by the broadcast customer, the selection including a subset of the stored information and a screen arrangement of the selected subset of stored information;
> formatting a broadcast-ready video data stream that includes the subset of stored information such that the subset of stored information will be positioned on an output screen according to the selected screen arrangement;
> transmitting the broadcast-ready video data stream from a server to the broadcast customer;
> receiving the broadcast-ready video data stream from the server; and
> combining the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and

<u>the video content broadcast by the broadcast customer are
simultaneously contained in a resulting video data stream</u>.

<u>Zereski</u> describes a method of creating presentations for the internet.[1] Specifically,

<u>Zereski</u> describes organizing weather data from various sources so it can be presented by a

web server.

However, <u>Zereski</u> does not describe or suggest defining a video layout based on a

selection made by the broadcast customer, the selection including a subset of the stored

information and a screen arrangement of the selected subset of stored information and

formatting a broadcast-ready video data stream that includes the subset of stored information

such that the subset of stored information will be positioned on an output screen according to

the selected screen arrangement.

The outstanding Action states that <u>Zereski</u> describes defining a video layout and

formatting a broadcast-ready data stream as is recited in Claim 15. Applicants respectfully

traverse this assertion.

Specifically, Applicants note that the position of objects on the screen in <u>Zereski</u> is

defined by a presentation template and not by selection of the user. In other words, in the

claimed invention, a user is able to determine where on the output screen they wish the subset

of stored information to be displayed. In contrast, in <u>Zereski</u>, the position of the information

is not customizable by the user but is predetermined by a template.[2]

In addition, as is acknowledged in the outstanding Action, <u>Zereski</u> does not describe

or suggest combining the received broadcast-ready video data stream with video content

broadcast by the broadcast customer such that the received broadcast-ready video data stream

and the video content broadcast by the broadcast customer are simultaneously contained in a

resulting video data stream.

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[1] <u>Zereski</u>, col. 5, lines 1-3.
[2] <u>Zereski</u>, col. 6, lines 49-52.

Nevertheless, the outstanding Action relies on <u>Throckmorton</u> as curing this deficiency in <u>Zereski</u>.

<u>Throckmorton</u> describes a system of synchronizing associated data with a primary data stream. Specifically, <u>Throckmorton</u> describes that a data synchronizer 20 creates a script for the delivery and display of associated data at specific points in time.

However, <u>Throckmorton</u> does not describe or suggest combining the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are simultaneously contained in a resulting video data stream.

In other words, <u>Throckmorton</u> describes that data is associated with the video data and then is sent separately[3] or mixed into the side channel of the video data before being sent to the receiver.[4] In contrast, the claimed invention recites combining the received broadcast-ready video data stream with video content broadcast by the broadcast customer such that the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are ***simultaneously contained*** in a resulting video data stream. In other words, both the received broadcast-ready video data stream and the video content broadcast by the broadcast customer are simultaneously contained in the same video portion of the data steam. Thus, for instance, in the non-limiting example of a weather ticker, the received broadcast-ready video data stream (weather ticker) is combined with the video content broadcast by the broadcast customer (a newscast) such that both the weather ticker and the newscast are contained in the video stream at the same time (e.g. the ticker on the bottom of the screen and the newscast above). This feature is not described or suggested in <u>Throckmorton</u>.

Thus, <u>Throckmorton</u> does not cure the above noted deficiencies of <u>Zereski</u> with regard to the claimed invention.

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[3] <u>Throckmorton</u>, col. 5, lines 35-37.
[4] <u>Throckmorton</u>, col. 5, lines 56-59.

Accordingly, Applicants respectfully submit independent Claim 15 and claims dependent therefrom patentably define over <u>Zereski</u> and <u>Throckmorton</u> considered individually or in combination.

Consequently, in light of the above discussion and in view of the present amendment, the application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.
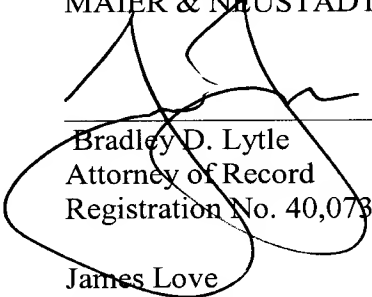
Respectfully submitted,

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